UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,880	12/28/2000	Matthew B. Haycock	42390P10353	9417

7590 07/30/2003

William Thomas Babbitt
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER	
CLEARY, THOMAS J	
ART UNIT	PAPER NUMBER
2181	2

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,880	HAYCOCK ET AL.	
	Examiner	Art Unit	
	Thomas J. Cleary	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-18 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 28 December 2000 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 3b, 3c, 19a, 19b, 21a, and 21b in Figure 1; 12a and 12f in Figure 2. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie et al. ("La Joie") in view of Beyers. La Joie teaches all the limitations of

Claims 1, 2, 6, and 7 except a component connected with the bus and the ability to observe and echo signals transmitted into and out of said component (See Abstract, Figure 1, Column 5, Lines 45-50, Column 13, Lines 58-67, and Column 14, Lines 1-34 of La Joie). La Joie teaches the ability to capture signals by a monitoring system (analogous to observing and echoing of Claim 1), a bus connected between a port on the analyzer buffer (analogous to the observability bus and observability port of Claim 2) and an analyzer logic control (analogous to the logic analyzer and bus analyzer of Claim 2). Beyers teaches a ring bus architecture with devices connected in a "daisy-chain" fashion whereby signals on the bus must flow through each device (See Figure 5 of Beyers). One of ordinary skill in the art at the time the invention was made would combine the monitoring device of La Joie with the "daisy-chain" architecture of Beyers, resulting in the inventions of Claims 1 and 2 and the methods of Claims 6 and 7, in order to increase the functionality of the device and method by making it able to monitor signals transmitted into and out of a device as well as signals on the bus line.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie and Beyers as applied to Claim 2 above, and further in view of Nakamura et al. ("Nakamura"). La Joie and Beyers teach all the limitations of Claim 3 except for the observability port being a logic observability port (See Abstract, Figure 1, Column 5, Lines 45-50, Column 13, Lines 58-67, and Column 14, Lines 1-34 of La Joie, and Figure 5 of Beyers). Nakamura teaches a device which contains logic ports as an interface (See Figure 8 and Column 2, Lines 57-61 of Nakamura). One of ordinary skill in the art would combine the monitoring device and observability port of La Joie and Beyers with

the logic ports of Nakamura, resulting in the invention of Claim 3, in order to make the device compatible with modern computer systems, which primarily use logic signals.

6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie and Beyers as applied to Claims 1 and 6 above, and further in view of Moore. La Joie and Beyers teach all of the limitations of Claims 4 and 8 except the type of bus being monitored (See Abstract, Figure 1, and Column 5, Lines 45-50 of La Joie and Figure 5 of Beyers). Moore teaches the use of I/O, PCI, and ISA busses to transfer data (See Abstract and Column 1, Lines 1-15 of Moore). One of ordinary skill in the art at the time the invention was made would construct the monitoring device and method of La Joie and Beyers with the bus architectures of Moore, resulting in the invention of Claim 4 and the method of Claim 8, in order to provide compatibility with older devices (ISA), compatibility with "hot-swappable" devices (PCI), and compatibility with input and output devices (I/O).

7. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie and Beyers as applied to Claims 1 and 6 above, and further in view of Hokao. La Joie and Beyers teach all the limitations of Claims 5 and 9 except for the buffer observing and echoing signals transmitted by wireless communication and a method in which the signals are transmitted by wireless communication (See Abstract, Figure 1, and Column 5, Lines 45-50 of La Joie and Figure 5 of Beyers). Hokao teaches a method of monitoring signals in a wireless communications device (See Abstract of Hokao). One of ordinary skill in the art at the time the invention was made would construct the monitoring device and method of La Joie and Beyers with the wireless

monitoring device of Hokao, resulting in the invention of Claim 5 and the method of Claim 9, in order to increase the functionality of the device by making it possible to observe signals being transmitted wirelessly without affecting the signal or being detected by the communicating parties.

8. Claims 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie and Beyers as applied to Claim 1 above, and further in view of Nakada. La Joie and Beyers teach all the limitations of Claims 10, 11, 14, and 15 except for the system comprising a memory, an I/O port, and a microprocessor which are connected by a data bus, an address bus, and a control bus, wherein the microprocessor includes means for observing and echoing the signals on a bus and the signals transmitted into and out of a component (See Abstract, Figure 1, Column 13, Lines 58-67, and Column 14, Lines 1-34 of La Joie, and Figure 5 of Beyers). Nakada teaches a system wherein a microprocessor, a memory, and an I/O port are connected by a data bus, an address bus, and a control bus (See Figure 3 and Column 8, Lines 25-38 of Nakada). La Joie and Beyers teach the ability to capture signals by a monitoring system (analogous to observing and echoing of Claims 10 and 14), a bus connected between a port on the analyzer buffer (analogous to the observability bus and observability port of Claim 15) and an analyzer logic control (analogous to the logic analyzer and bus analyzer of Claim15). One of ordinary skill in the art at the time the invention was made would combine the monitoring system of La Joie and Beyers with the microcomputer system of Nakada, resulting in the inventions of Claims 10, 11, 14, and 15, in order to create a monitoring device with greater functionality that can perform

a wider variety of analyses on the data, as well as make the device completely independent of any other systems.

9. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie, Beyers, and Nakada as applied to Claims 10 and 14 above, and further in view of Moore. La Joie, Beyers, and Nakada teach all of the limitations of Claims 12 and 17 except the type of bus being monitored (See Abstract, Figure 1, and Column 5, Lines 45-50 of La Joie and Figure 5 of Beyers, and Figure 3 and Column 8, Lines 25-38 of Nakada). Moore teaches the use of I/O, PCI, and ISA busses to transfer data (See Abstract and Column 1, Lines 1-15 of Moore). One of ordinary skill in the art at the time the invention was made would construct the monitoring device system of La Joie, Beyers, and Nakada with the bus architectures of Moore, resulting in the inventions of Claims 12 and 17, in order to provide compatibility with older devices (ISA), compatibility with "hot-swappable" devices (PCI), and compatibility with input and output devices (I/O).

10. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie, Beyers, and Nakada as applied to Claims 10 and 14 above, and further in view of Hokao. La Joie, Beyers, and Nakada teach all the limitations of Claims 13 and 18 except for the signals being transmitted by wireless communication (See Abstract, Figure 1, and Column 5, Lines 45-50 of La Joie; Figure 5 of Beyers; and Figure 3 and Column 8, Lines 25-38 of Nakada). Hokao teaches a method of monitoring signals in a wireless communications device (See Abstract of Hokao). One of ordinary skill in the art at the time the invention was made would construct the monitoring device system of

La Joie, Beyers, and Nakada with the wireless monitoring device of Hokao, resulting in the inventions of Claims 13 and 18, in order to increase the functionality of the device by making it possible to observe signals being transmitted wirelessly without affecting the signal or being detected by the communicating parties.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Joie, Beyers, and Nakada as applied to Claim 15 above, and further in view of Nakamura. La Joie, Beyers, and Nakada teach all the limitations of Claim 16 except for the observability port being a logic observability port (See Figure 1, Column 13, Lines 58-67, and Column 14, Lines 1-34 of La Joie; Figure 5 of Beyers; and Figure 3 and Column 8, Lines 25-38 of Nakada). Nakamura teaches a device which contains logic ports as an interface (See Figure 8 and Column 2, Lines 57-61 of Nakamura). One of ordinary skill in the art would combine the monitoring device system and observability port of La Joie, Beyers, and Nakada with the logic ports of Nakamura, resulting in the invention of Claim 16, in order to make the device compatible with modern computer systems, which primarily use logic signals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Cleary whose telephone number is 703-305-5824. The examiner can normally be reached on Monday-Thursday (8-5:30), Alt. Fridays (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5631.

tjc
July 24, 2003

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100